

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AETNA LIFE INSURANCE COMPANY, §
§
Plaintiff, §
§
v. § Case Number: 3:14-cv-347-M
§
METHODIST HOSPITALS OF DALLAS §
and TEXAS HEALTH RESOURCES, §
§
Defendants. §

ORDER

Before the Court are four motions: Defendants' Motion to Abstain from Exercising Jurisdiction and Dismiss [Docket #13], Defendants' Motion to Dismiss Under Rule 12(b)(7) [Docket #14], Plaintiff's Motion for Summary Judgment [Docket #17], and Defendants' Cross-Motion for Summary Judgment [Docket #42]. The Court held a hearing on September 9, 2014, to hear oral arguments on the motions.

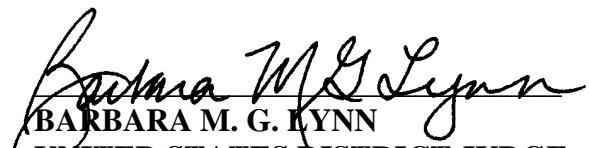
At the hearing, the parties advised the Court that the issue of the Texas Prompt Payment Act's coverage of self-funded plans is, among other issues, pending in state court before Judge Melody Wilkinson, in the 17th Judicial District Court of Tarrant County, Texas, and that the parties will diligently seek to schedule a prompt hearing before Judge Wilkinson on that issue. In light of these facts, the Court has elected to grant Defendants' Motion to Abstain, pending Judge Wilkinson's possible decision on coverage within the next month. If Judge Wilkinson concludes that the Texas Prompt Payment Act does cover self-funded plans, the Court anticipates ruling on preemption at a hearing on October 16, 2014, at 4:30 P.M.

In light of this disposition, the Motion to Abstain is GRANTED with respect to

Abstention until October 16, 2014, but DENIED as to Dismissal. The other Motions are DISMISSED without prejudice, subject to refiling in anticipation of the issues to be determined on October 16, 2014.

SO ORDERED.

September 11, 2014.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS